



Rep. Michael J. Zalewski

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LRB098 15649 MRW 56887 a

1 AMENDMENT TO HOUSE BILL 4091

2 AMENDMENT NO. _____. Amend House Bill 4091 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Metropolitan Transit Authority Act is
5 amended by changing Section 28b as follows:

6 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

7 Sec. 28b. Any person applying for a position as a driver of
8 a vehicle owned by a private carrier company which provides
9 public transportation pursuant to an agreement with the
10 Authority shall be required to authorize an investigation by
11 the private carrier company to determine if the applicant has
12 been convicted of any of the following offenses: (i) those
13 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,
14 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
15 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,
16 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,

1 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,
2 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,
3 12-16, 12-16.1, 18-1, 18-2, 19-6, 20-1, 20-1.1, 31A-1, 31A-1.1,
4 and 33A-2, in subsection (a) and subsection (b), clause (1), of
5 Section 12-4, in subdivisions (a)(1), (b)(1), and (f)(1) of
6 Section 12-3.05, and in subsection (a-5) of Section 12-3.1 of
7 the Criminal Code of 1961 or the Criminal Code of 2012; (ii)
8 those offenses defined in the Cannabis Control Act except those
9 offenses defined in subsection (c) ~~subsections (a) and (b)~~ of
10 Section 4, and subsection (a) of Section 5 of the Cannabis
11 Control Act (iii) those offenses defined in the Illinois
12 Controlled Substances Act; (iv) those offenses defined in the
13 Methamphetamine Control and Community Protection Act; and (v)
14 any offense committed or attempted in any other state or
15 against the laws of the United States, which if committed or
16 attempted in this State would be punishable as one or more of
17 the foregoing offenses. Upon receipt of this authorization, the
18 private carrier company shall submit the applicant's name, sex,
19 race, date of birth, fingerprints and social security number to
20 the Department of State Police on forms prescribed by the
21 Department. The Department of State Police shall conduct an
22 investigation to ascertain if the applicant has been convicted
23 of any of the above enumerated offenses. The Department shall
24 charge the private carrier company a fee for conducting the
25 investigation, which fee shall be deposited in the State Police
26 Services Fund and shall not exceed the cost of the inquiry; and

1 the applicant shall not be charged a fee for such investigation
2 by the private carrier company. The Department of State Police
3 shall furnish, pursuant to positive identification, records of
4 convictions, until expunged, to the private carrier company
5 which requested the investigation. A copy of the record of
6 convictions obtained from the Department shall be provided to
7 the applicant. Any record of conviction received by the private
8 carrier company shall be confidential. Any person who releases
9 any confidential information concerning any criminal
10 convictions of an applicant shall be guilty of a Class A
11 misdemeanor, unless authorized by this Section.

12 (Source: P.A. 96-1551, Article 1, Section 920, eff. 7-1-11;
13 96-1551, Article 2, Section 960, eff. 7-1-11; 97-1108, eff.
14 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

15 Section 10. The School Code is amended by changing Section
16 21B-80 as follows:

17 (105 ILCS 5/21B-80)

18 Sec. 21B-80. Conviction of certain offenses as grounds for
19 revocation of license.

20 (a) As used in this Section:

21 "Narcotics offense" means any one or more of the following
22 offenses:

23 (1) Any offense defined in the Cannabis Control Act,
24 except those defined in subdivision (c) ~~subdivisions (a)~~

1 ~~and (b)~~ of Section 4 and subdivision (a) of Section 5 of
2 the Cannabis Control Act and any offense for which the
3 holder of a license is placed on probation under the
4 provisions of Section 10 of the Cannabis Control Act,
5 provided that if the terms and conditions of probation
6 required by the court are not fulfilled, the offense is not
7 eligible for this exception.

8 (2) Any offense defined in the Illinois Controlled
9 Substances Act, except any offense for which the holder of
10 a license is placed on probation under the provisions of
11 Section 410 of the Illinois Controlled Substances Act,
12 provided that if the terms and conditions of probation
13 required by the court are not fulfilled, the offense is not
14 eligible for this exception.

15 (3) Any offense defined in the Methamphetamine Control
16 and Community Protection Act, except any offense for which
17 the holder of a license is placed on probation under the
18 provision of Section 70 of that Act, provided that if the
19 terms and conditions of probation required by the court are
20 not fulfilled, the offense is not eligible for this
21 exception.

22 (4) Any attempt to commit any of the offenses listed in
23 items (1) through (3) of this definition.

24 (5) Any offense committed or attempted in any other
25 state or against the laws of the United States that, if
26 committed or attempted in this State, would have been

1 punishable as one or more of the offenses listed in items
2 (1) through (4) of this definition.

3 The changes made by Public Act 96-431 to the definition of
4 "narcotics offense" are declaratory of existing law.

5 "Sex offense" means any one or more of the following
6 offenses:

7 (A) Any offense defined in Sections 11-6, 11-9 through
8 11-9.5, inclusive, and 11-30, of the Criminal Code of 1961
9 or the Criminal Code of 2012; Sections 11-14 through 11-21,
10 inclusive, of the Criminal Code of 1961 or the Criminal
11 Code of 2012; Sections 11-23 (if punished as a Class 3
12 felony), 11-24, 11-25, and 11-26 of the Criminal Code of
13 1961 or the Criminal Code of 2012; and Sections 11-1.20,
14 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14,
15 12-14.1, 12-15, 12-16, 12-32, 12-33, and 12C-45 of the
16 Criminal Code of 1961 or the Criminal Code of 2012.

17 (B) Any attempt to commit any of the offenses listed in
18 item (A) of this definition.

19 (C) Any offense committed or attempted in any other
20 state that, if committed or attempted in this State, would
21 have been punishable as one or more of the offenses listed
22 in items (A) and (B) of this definition.

23 (b) Whenever the holder of any license issued pursuant to
24 this Article has been convicted of any sex offense or narcotics
25 offense, the State Superintendent of Education shall forthwith
26 suspend the license. If the conviction is reversed and the

1 holder is acquitted of the offense in a new trial or the
2 charges against him or her are dismissed, the State
3 Superintendent of Education shall forthwith terminate the
4 suspension of the license. When the conviction becomes final,
5 the State Superintendent of Education shall forthwith revoke
6 the license.

7 (c) Whenever the holder of a license issued pursuant to
8 this Article has been convicted of attempting to commit,
9 conspiring to commit, soliciting, or committing first degree
10 murder or a Class X felony or any offense committed or
11 attempted in any other state or against the laws of the United
12 States that, if committed or attempted in this State, would
13 have been punishable as one or more of the foregoing offenses,
14 the State Superintendent of Education shall forthwith suspend
15 the license. If the conviction is reversed and the holder is
16 acquitted of that offense in a new trial or the charges that he
17 or she committed that offense are dismissed, the State
18 Superintendent of Education shall forthwith terminate the
19 suspension of the license. When the conviction becomes final,
20 the State Superintendent of Education shall forthwith revoke
21 the license.

22 (Source: P.A. 97-607, eff. 8-26-11; incorporates 96-1551, eff.
23 7-1-11; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

24 Section 15. The Illinois Vehicle Code is amended by
25 changing Sections 6-106.1 and 6-508 as follows:

1 (625 ILCS 5/6-106.1)

2 Sec. 6-106.1. School bus driver permit.

3 (a) The Secretary of State shall issue a school bus driver
4 permit to those applicants who have met all the requirements of
5 the application and screening process under this Section to
6 insure the welfare and safety of children who are transported
7 on school buses throughout the State of Illinois. Applicants
8 shall obtain the proper application required by the Secretary
9 of State from their prospective or current employer and submit
10 the completed application to the prospective or current
11 employer along with the necessary fingerprint submission as
12 required by the Department of State Police to conduct
13 fingerprint based criminal background checks on current and
14 future information available in the state system and current
15 information available through the Federal Bureau of
16 Investigation's system. Applicants who have completed the
17 fingerprinting requirements shall not be subjected to the
18 fingerprinting process when applying for subsequent permits or
19 submitting proof of successful completion of the annual
20 refresher course. Individuals who on the effective date of this
21 Act possess a valid school bus driver permit that has been
22 previously issued by the appropriate Regional School
23 Superintendent are not subject to the fingerprinting
24 provisions of this Section as long as the permit remains valid
25 and does not lapse. The applicant shall be required to pay all

1 related application and fingerprinting fees as established by
2 rule including, but not limited to, the amounts established by
3 the Department of State Police and the Federal Bureau of
4 Investigation to process fingerprint based criminal background
5 investigations. All fees paid for fingerprint processing
6 services under this Section shall be deposited into the State
7 Police Services Fund for the cost incurred in processing the
8 fingerprint based criminal background investigations. All
9 other fees paid under this Section shall be deposited into the
10 Road Fund for the purpose of defraying the costs of the
11 Secretary of State in administering this Section. All
12 applicants must:

13 1. be 21 years of age or older;

14 2. possess a valid and properly classified driver's
15 license issued by the Secretary of State;

16 3. possess a valid driver's license, which has not been
17 revoked, suspended, or canceled for 3 years immediately
18 prior to the date of application, or have not had his or
19 her commercial motor vehicle driving privileges
20 disqualified within the 3 years immediately prior to the
21 date of application;

22 4. successfully pass a written test, administered by
23 the Secretary of State, on school bus operation, school bus
24 safety, and special traffic laws relating to school buses
25 and submit to a review of the applicant's driving habits by
26 the Secretary of State at the time the written test is

1 given;

2 5. demonstrate ability to exercise reasonable care in
3 the operation of school buses in accordance with rules
4 promulgated by the Secretary of State;

5 6. demonstrate physical fitness to operate school
6 buses by submitting the results of a medical examination,
7 including tests for drug use for each applicant not subject
8 to such testing pursuant to federal law, conducted by a
9 licensed physician, an advanced practice nurse who has a
10 written collaborative agreement with a collaborating
11 physician which authorizes him or her to perform medical
12 examinations, or a physician assistant who has been
13 delegated the performance of medical examinations by his or
14 her supervising physician within 90 days of the date of
15 application according to standards promulgated by the
16 Secretary of State;

17 7. affirm under penalties of perjury that he or she has
18 not made a false statement or knowingly concealed a
19 material fact in any application for permit;

20 8. have completed an initial classroom course,
21 including first aid procedures, in school bus driver safety
22 as promulgated by the Secretary of State; and after
23 satisfactory completion of said initial course an annual
24 refresher course; such courses and the agency or
25 organization conducting such courses shall be approved by
26 the Secretary of State; failure to complete the annual

1 refresher course, shall result in cancellation of the
2 permit until such course is completed;

3 9. not have been under an order of court supervision
4 for or convicted of 2 or more serious traffic offenses, as
5 defined by rule, within one year prior to the date of
6 application that may endanger the life or safety of any of
7 the driver's passengers within the duration of the permit
8 period;

9 10. not have been under an order of court supervision
10 for or convicted of reckless driving, aggravated reckless
11 driving, driving while under the influence of alcohol,
12 other drug or drugs, intoxicating compound or compounds or
13 any combination thereof, or reckless homicide resulting
14 from the operation of a motor vehicle within 3 years of the
15 date of application;

16 11. not have been convicted of committing or attempting
17 to commit any one or more of the following offenses: (i)
18 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
19 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
20 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
21 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
22 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,
23 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
24 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,
25 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,
26 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,

1 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,
2 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
3 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,
4 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
5 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
6 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
7 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1,
8 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section
9 8-1, and in subdivisions (a) (1), (a) (2), (b) (1), (e) (1),
10 (e) (2), (e) (3), (e) (4), and (f) (1) of Section 12-3.05, and
11 in subsection (a) and subsection (b), clause (1), of
12 Section 12-4, and in subsection (A), clauses (a) and (b),
13 of Section 24-3, and those offenses contained in Article
14 29D of the Criminal Code of 1961 or the Criminal Code of
15 2012; (ii) those offenses defined in the Cannabis Control
16 Act except those offenses defined in subsection (c)
17 ~~subsections (a) and (b)~~ of Section 4, and subsection (a) of
18 Section 5 of the Cannabis Control Act; (iii) those offenses
19 defined in the Illinois Controlled Substances Act; (iv)
20 those offenses defined in the Methamphetamine Control and
21 Community Protection Act; (v) any offense committed or
22 attempted in any other state or against the laws of the
23 United States, which if committed or attempted in this
24 State would be punishable as one or more of the foregoing
25 offenses; (vi) the offenses defined in Section 4.1 and 5.1
26 of the Wrongs to Children Act or Section 11-9.1A of the

1 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
2 those offenses defined in Section 6-16 of the Liquor
3 Control Act of 1934; and (viii) those offenses defined in
4 the Methamphetamine Precursor Control Act;

5 12. not have been repeatedly involved as a driver in
6 motor vehicle collisions or been repeatedly convicted of
7 offenses against laws and ordinances regulating the
8 movement of traffic, to a degree which indicates lack of
9 ability to exercise ordinary and reasonable care in the
10 safe operation of a motor vehicle or disrespect for the
11 traffic laws and the safety of other persons upon the
12 highway;

13 13. not have, through the unlawful operation of a motor
14 vehicle, caused an accident resulting in the death of any
15 person;

16 14. not have, within the last 5 years, been adjudged to
17 be afflicted with or suffering from any mental disability
18 or disease; and

19 15. consent, in writing, to the release of results of
20 reasonable suspicion drug and alcohol testing under
21 Section 6-106.1c of this Code by the employer of the
22 applicant to the Secretary of State.

23 (b) A school bus driver permit shall be valid for a period
24 specified by the Secretary of State as set forth by rule. It
25 shall be renewable upon compliance with subsection (a) of this
26 Section.

1 (c) A school bus driver permit shall contain the holder's
2 driver's license number, legal name, residence address, zip
3 code, and date of birth, a brief description of the holder and
4 a space for signature. The Secretary of State may require a
5 suitable photograph of the holder.

6 (d) The employer shall be responsible for conducting a
7 pre-employment interview with prospective school bus driver
8 candidates, distributing school bus driver applications and
9 medical forms to be completed by the applicant, and submitting
10 the applicant's fingerprint cards to the Department of State
11 Police that are required for the criminal background
12 investigations. The employer shall certify in writing to the
13 Secretary of State that all pre-employment conditions have been
14 successfully completed including the successful completion of
15 an Illinois specific criminal background investigation through
16 the Department of State Police and the submission of necessary
17 fingerprints to the Federal Bureau of Investigation for
18 criminal history information available through the Federal
19 Bureau of Investigation system. The applicant shall present the
20 certification to the Secretary of State at the time of
21 submitting the school bus driver permit application.

22 (e) Permits shall initially be provisional upon receiving
23 certification from the employer that all pre-employment
24 conditions have been successfully completed, and upon
25 successful completion of all training and examination
26 requirements for the classification of the vehicle to be

1 operated, the Secretary of State shall provisionally issue a
2 School Bus Driver Permit. The permit shall remain in a
3 provisional status pending the completion of the Federal Bureau
4 of Investigation's criminal background investigation based
5 upon fingerprinting specimens submitted to the Federal Bureau
6 of Investigation by the Department of State Police. The Federal
7 Bureau of Investigation shall report the findings directly to
8 the Secretary of State. The Secretary of State shall remove the
9 bus driver permit from provisional status upon the applicant's
10 successful completion of the Federal Bureau of Investigation's
11 criminal background investigation.

12 (f) A school bus driver permit holder shall notify the
13 employer and the Secretary of State if he or she is issued an
14 order of court supervision for or convicted in another state of
15 an offense that would make him or her ineligible for a permit
16 under subsection (a) of this Section. The written notification
17 shall be made within 5 days of the entry of the order of court
18 supervision or conviction. Failure of the permit holder to
19 provide the notification is punishable as a petty offense for a
20 first violation and a Class B misdemeanor for a second or
21 subsequent violation.

22 (g) Cancellation; suspension; notice and procedure.

23 (1) The Secretary of State shall cancel a school bus
24 driver permit of an applicant whose criminal background
25 investigation discloses that he or she is not in compliance
26 with the provisions of subsection (a) of this Section.

1 (2) The Secretary of State shall cancel a school bus
2 driver permit when he or she receives notice that the
3 permit holder fails to comply with any provision of this
4 Section or any rule promulgated for the administration of
5 this Section.

6 (3) The Secretary of State shall cancel a school bus
7 driver permit if the permit holder's restricted commercial
8 or commercial driving privileges are withdrawn or
9 otherwise invalidated.

10 (4) The Secretary of State may not issue a school bus
11 driver permit for a period of 3 years to an applicant who
12 fails to obtain a negative result on a drug test as
13 required in item 6 of subsection (a) of this Section or
14 under federal law.

15 (5) The Secretary of State shall forthwith suspend a
16 school bus driver permit for a period of 3 years upon
17 receiving notice that the holder has failed to obtain a
18 negative result on a drug test as required in item 6 of
19 subsection (a) of this Section or under federal law.

20 (6) The Secretary of State shall suspend a school bus
21 driver permit for a period of 3 years upon receiving notice
22 from the employer that the holder failed to perform the
23 inspection procedure set forth in subsection (a) or (b) of
24 Section 12-816 of this Code.

25 (7) The Secretary of State shall suspend a school bus
26 driver permit for a period of 3 years upon receiving notice

1 from the employer that the holder refused to submit to an
2 alcohol or drug test as required by Section 6-106.1c or has
3 submitted to a test required by that Section which
4 disclosed an alcohol concentration of more than 0.00 or
5 disclosed a positive result on a National Institute on Drug
6 Abuse five-drug panel, utilizing federal standards set
7 forth in 49 CFR 40.87.

8 The Secretary of State shall notify the State
9 Superintendent of Education and the permit holder's
10 prospective or current employer that the applicant has (1) has
11 failed a criminal background investigation or (2) is no longer
12 eligible for a school bus driver permit; and of the related
13 cancellation of the applicant's provisional school bus driver
14 permit. The cancellation shall remain in effect pending the
15 outcome of a hearing pursuant to Section 2-118 of this Code.
16 The scope of the hearing shall be limited to the issuance
17 criteria contained in subsection (a) of this Section. A
18 petition requesting a hearing shall be submitted to the
19 Secretary of State and shall contain the reason the individual
20 feels he or she is entitled to a school bus driver permit. The
21 permit holder's employer shall notify in writing to the
22 Secretary of State that the employer has certified the removal
23 of the offending school bus driver from service prior to the
24 start of that school bus driver's next workshift. An employing
25 school board that fails to remove the offending school bus
26 driver from service is subject to the penalties defined in

1 Section 3-14.23 of the School Code. A school bus contractor who
2 violates a provision of this Section is subject to the
3 penalties defined in Section 6-106.11.

4 All valid school bus driver permits issued under this
5 Section prior to January 1, 1995, shall remain effective until
6 their expiration date unless otherwise invalidated.

7 (h) When a school bus driver permit holder who is a service
8 member is called to active duty, the employer of the permit
9 holder shall notify the Secretary of State, within 30 days of
10 notification from the permit holder, that the permit holder has
11 been called to active duty. Upon notification pursuant to this
12 subsection, (i) the Secretary of State shall characterize the
13 permit as inactive until a permit holder renews the permit as
14 provided in subsection (i) of this Section, and (ii) if a
15 permit holder fails to comply with the requirements of this
16 Section while called to active duty, the Secretary of State
17 shall not characterize the permit as invalid.

18 (i) A school bus driver permit holder who is a service
19 member returning from active duty must, within 90 days, renew a
20 permit characterized as inactive pursuant to subsection (h) of
21 this Section by complying with the renewal requirements of
22 subsection (b) of this Section.

23 (j) For purposes of subsections (h) and (i) of this
24 Section:

25 "Active duty" means active duty pursuant to an executive
26 order of the President of the United States, an act of the

1 Congress of the United States, or an order of the Governor.

2 "Service member" means a member of the Armed Services or
3 reserve forces of the United States or a member of the Illinois
4 National Guard.

5 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
6 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.
7 7-22-10; 96-1551, Article 1, Section 950, eff. 7-1-11; 96-1551,
8 Article 2, Section 1025, eff. 7-1-11; 97-224, eff. 7-28-11;
9 97-229, eff. 7-28-11; 97-333, eff. 8-12-11; 97-466, eff.
10 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
11 eff. 1-25-13.)

12 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

13 (Text of Section after amendment by P.A. 98-176)

14 Sec. 6-508. Commercial Driver's License (CDL) -
15 qualification standards.

16 (a) Testing.

17 (1) General. No person shall be issued an original or
18 renewal CDL unless that person is domiciled in this State
19 or is applying for a non-domiciled CDL under Sections 6-509
20 and 6-510 of this Code. The Secretary shall cause to be
21 administered such tests as the Secretary deems necessary to
22 meet the requirements of 49 C.F.R. Part 383, subparts F, G,
23 H, and J.

24 (1.5) Effective July 1, 2014, no person shall be issued
25 an original CDL or an upgraded CDL that requires a skills

1 test unless that person has held a CLP, for a minimum of 14
2 calendar days, for the classification of vehicle and
3 endorsement, if any, for which the person is seeking a CDL.

4 (2) Third party testing. The Secretary of State ~~state~~
5 may authorize a "third party tester", pursuant to 49 C.F.R.
6 ~~Part~~ 383.75 and 49 C.F.R. 384.228 and 384.229, to
7 administer the skills test or tests specified by the
8 Federal Motor Carrier Safety Administration pursuant to
9 the Commercial Motor Vehicle Safety Act of 1986 and any
10 appropriate federal rule.

11 (b) Waiver of Skills Test. The Secretary of State may waive
12 the skills test specified in this Section for a driver
13 applicant for a commercial driver license who meets the
14 requirements of 49 C.F.R. ~~Part~~ 383.77. The Secretary of State
15 shall waive the skills tests specified in this Section for a
16 driver applicant who has military commercial motor vehicle
17 experience, subject to the requirements of 49 C.F.R. 383.77.

18 (b-1) No person shall be issued a CDL unless the person
19 certifies to the Secretary one of the following types of
20 driving operations in which he or she will be engaged:

21 (1) non-excepted interstate;

22 (2) non-excepted intrastate;

23 (3) excepted interstate; or

24 (4) excepted intrastate.

25 (b-2) (Blank).

26 (c) Limitations on issuance of a CDL. A CDL shall not be

1 issued to a person while the person is subject to a
2 disqualification from driving a commercial motor vehicle, or
3 unless otherwise permitted by this Code, while the person's
4 driver's license is suspended, revoked or cancelled in any
5 state, or any territory or province of Canada; nor may a CLP or
6 CDL be issued to a person who has a CLP or CDL issued by any
7 other state, or foreign jurisdiction, nor may a CDL be issued
8 to a person who has an Illinois CLP unless the person first
9 surrenders all of these licenses or permits. However, a person
10 may hold an Illinois CLP and an Illinois CDL providing the CLP
11 is necessary to train or practice for an endorsement or vehicle
12 classification not present on the current CDL. No CDL shall be
13 issued to or renewed for a person who does not meet the
14 requirement of 49 CFR 391.41(b)(11). The requirement may be met
15 with the aid of a hearing aid.

16 (c-1) The Secretary may issue a CDL with a school bus
17 driver endorsement to allow a person to drive the type of bus
18 described in subsection (d-5) of Section 6-104 of this Code.
19 The CDL with a school bus driver endorsement may be issued only
20 to a person meeting the following requirements:

21 (1) the person has submitted his or her fingerprints to
22 the Department of State Police in the form and manner
23 prescribed by the Department of State Police. These
24 fingerprints shall be checked against the fingerprint
25 records now and hereafter filed in the Department of State
26 Police and Federal Bureau of Investigation criminal

1 history records databases;

2 (2) the person has passed a written test, administered
3 by the Secretary of State, on charter bus operation,
4 charter bus safety, and certain special traffic laws
5 relating to school buses determined by the Secretary of
6 State to be relevant to charter buses, and submitted to a
7 review of the driver applicant's driving habits by the
8 Secretary of State at the time the written test is given;

9 (3) the person has demonstrated physical fitness to
10 operate school buses by submitting the results of a medical
11 examination, including tests for drug use; and

12 (4) the person has not been convicted of committing or
13 attempting to commit any one or more of the following
14 offenses: (i) those offenses defined in Sections 8-1.2,
15 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
16 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
17 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
18 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
19 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
20 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
21 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
22 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
23 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
24 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
25 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
26 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,

1 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6,
2 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,
3 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8,
4 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection
5 (b) of Section 8-1, and in subdivisions (a)(1), (a)(2),
6 (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1) of
7 Section 12-3.05, and in subsection (a) and subsection (b),
8 clause (1), of Section 12-4, and in subsection (A), clauses
9 (a) and (b), of Section 24-3, and those offenses contained
10 in Article 29D of the Criminal Code of 1961 or the Criminal
11 Code of 2012; (ii) those offenses defined in the Cannabis
12 Control Act except those offenses defined in subsection (c)
13 ~~subsections (a) and (b)~~ of Section 4, and subsection (a) of
14 Section 5 of the Cannabis Control Act; (iii) those offenses
15 defined in the Illinois Controlled Substances Act; (iv)
16 those offenses defined in the Methamphetamine Control and
17 Community Protection Act; (v) any offense committed or
18 attempted in any other state or against the laws of the
19 United States, which if committed or attempted in this
20 State would be punishable as one or more of the foregoing
21 offenses; (vi) the offenses defined in Sections 4.1 and 5.1
22 of the Wrongs to Children Act or Section 11-9.1A of the
23 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
24 those offenses defined in Section 6-16 of the Liquor
25 Control Act of 1934; and (viii) those offenses defined in
26 the Methamphetamine Precursor Control Act.

1 The Department of State Police shall charge a fee for
2 conducting the criminal history records check, which shall be
3 deposited into the State Police Services Fund and may not
4 exceed the actual cost of the records check.

5 (c-2) The Secretary shall issue a CDL with a school bus
6 endorsement to allow a person to drive a school bus as defined
7 in this Section. The CDL shall be issued according to the
8 requirements outlined in 49 C.F.R. 383. A person may not
9 operate a school bus as defined in this Section without a
10 school bus endorsement. The Secretary of State may adopt rules
11 consistent with Federal guidelines to implement this
12 subsection (c-2).

13 (d) (Blank).

14 (Source: P.A. 97-208, eff. 1-1-12; 97-1108, eff. 1-1-13;
15 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-52, eff.
16 1-1-14; 98-176, eff. 7-1-14; revised 9-19-13.)

17 Section 20. The Cannabis Control Act is amended by changing
18 Sections 4, 5, 5.2, and 10 and by adding Section 4.1 as
19 follows:

20 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

21 Sec. 4. It is unlawful for any person knowingly to possess
22 cannabis. Any person who violates this section with respect
23 to:

24 (a) (blank); ~~not more than 2.5 grams of any substance~~

1 ~~containing cannabis is guilty of a Class C misdemeanor;~~

2 (b) (blank); ~~more than 2.5 grams but not more than 10~~
3 ~~grams of any substance containing cannabis is guilty of a~~
4 ~~Class B misdemeanor;~~

5 (c) ~~more than 10 grams but~~ not more than 30 grams of
6 any substance containing cannabis is subject to the
7 penalties under Section 4.1 of this Act, unless the person
8 has been previously convicted of 2 or more violations under
9 this Act, in which case the person is guilty of a Class A
10 misdemeanor; ~~guilty of a Class A misdemeanor; provided,~~
11 ~~that if any offense under this subsection (c) is a~~
12 ~~subsequent offense, the offender shall be guilty of a Class~~
13 ~~4 felony;~~

14 (d) more than 30 grams but not more than 500 grams of
15 any substance containing cannabis is guilty of a Class A
16 misdemeanor for a first offense and a Class 4 felony for a
17 subsequent offense; ~~Class 4 felony; provided that if any~~
18 ~~offense under this subsection (d) is a subsequent offense,~~
19 ~~the offender shall be guilty of a Class 3 felony;~~

20 (e) more than 500 grams but not more than 2,500 ~~2,000~~
21 grams of any substance containing cannabis is guilty of a
22 Class 3 felony;

23 (f) (blank); ~~more than 2,000 grams but not more than~~
24 ~~5,000 grams of any substance containing cannabis is guilty~~
25 ~~of a Class 2 felony;~~

26 (g) more than 2,500 ~~5,000~~ grams of any substance

1 containing cannabis is guilty of a Class 1 felony.
2 (Source: P.A. 90-397, eff. 8-15-97.)

3 (720 ILCS 550/4.1 new)

4 Sec. 4.1. Petty offense for possession of 30 grams or less
5 of cannabis.

6 (a) Upon arrest for possession of not more than 30 grams of
7 any substance containing cannabis under Section 4(c) of this
8 Act, criminal charges may be commenced under a Uniform Cannabis
9 Citation under Section 111-3 of the Code of Criminal Procedure
10 of 1963 as provided in subsection (c) of this Section, and the
11 defendant shall be prosecuted and sentenced for the commission
12 of a petty offense.

13 (b) For purposes of this Section, a "petty offense" is an
14 offense for which a sentence of imprisonment is not an
15 authorized disposition.

16 (c) After a person has been arrested for an offense listed
17 in subsection (a) of this Section, once the officer has
18 determined the identity of the person, and determined that the
19 offender has not been previously convicted of 2 or more
20 offenses under this Act, the law enforcement officer may issue
21 the person a Uniform Cannabis Citation. When the law
22 enforcement officer has observed the commission of the offense,
23 the signing of the Uniform Cannabis Citation is sufficient to
24 charge the person if the law enforcement officer certifies that
25 the statements in the Uniform Cannabis Citation are true and

1 correct and subject to the penalties provided by law for false
2 certification under Section 1-109 of the Code of Civil
3 Procedure and perjury under Section 32-2 of the Criminal Code
4 of 2012. The Uniform Cannabis Citation shall allege the
5 commission of the offense by including:

6 (1) the name, date of birth, and address of the
7 defendant;

8 (2) the name of the offense;

9 (3) the statutory provision alleged to have been
10 violated;

11 (4) the date, time, location, and county of the offense
12 as definitely can be done;

13 (5) the weight of the recovered substance; and

14 (6) the fine amount based upon the defendant's number
15 of prior guilty dispositions charged by a Uniform Cannabis
16 Citation.

17 When a Uniform Cannabis Citation has been issued to a
18 defendant, the copy of the Citation filed with the circuit
19 court constitutes a complaint to which the defendant may plead,
20 unless he or she specifically requests that a verified
21 complaint be filed.

22 (d) When a Uniform Cannabis Citation has been issued to a
23 defendant, the arresting officer shall set the defendant's
24 first appearance in court on a date not less than 14 days but
25 within 60 days after the date of the defendant's arrest.

26 (e) When a Uniform Cannabis Citation has been issued to a

1 defendant, the law enforcement officer shall also issue written
2 notice to the defendant in substantially the following form:

3 AVOID MULTIPLE COURT APPEARANCES

4 If you intend to plead "not guilty" to this charge, or if,
5 in addition, you intend to demand a trial by jury, so
6 notify the clerk of the court at least 10 days (excluding
7 Saturdays, Sundays, or holidays) before the day set for
8 your appearance. A new appearance date for a trial by jury
9 will be set for a court date not less than 45 days, but not
10 more than 60 days, after your arrest, and arrangements will
11 be made to have the arresting officer and laboratory
12 analyst on the next court date for jury trial. Failure to
13 notify the clerk of either your intention to plead "not
14 guilty" or your intention to demand a jury trial, may
15 result in your having to return to court, if you plead "not
16 guilty" on the date originally set for your court
17 appearance.

18 (f) A case shall not be dismissed due to an error by the
19 arresting officer or the clerk of the court, or both, in
20 setting a defendant's first appearance date, subject to the
21 right of speedy trial under Section 103-5 of the Code of
22 Criminal Procedure of 1963.

23 (g) Within 14 days (excluding Saturdays, Sundays, or
24 holidays) from the date the defendant was issued the Uniform

1 Cannabis Citation, a defendant may enter a plea of guilty and
2 mail the fine to the clerk of the court of the county in which
3 the defendant was arrested. The fine when no court appearance
4 is required is as follows:

5 (1) \$250 for a first disposition of guilty of an
6 offense charged by a Uniform Cannabis Citation; or

7 (2) \$300 for a second disposition of guilty of an
8 offense charged by Uniform Cannabis Citation.

9 (h) To plead guilty, the defendant shall sign the section
10 on the reverse side of the Uniform Cannabis Citation which
11 indicates the defendant knowingly and voluntarily enters a plea
12 of guilty after being informed that:

13 (1) the nature of this charge is a petty offense not
14 punishable by a sentence of imprisonment; and

15 (2) the fine is \$250 for a first disposition of guilty
16 to an offense charged by a Uniform Cannabis Citation and
17 \$300 for a second disposition of guilty to an offense
18 charged by a Uniform Cannabis Citation;

19 (3) the defendant has the right to plead not guilty, to
20 persist in the plea of not guilty if it has already been
21 made, or to plead guilty;

22 (4) if the defendant pleads guilty, there will not be a
23 trial of any kind, so that by pleading guilty, the
24 defendant waives the right to a trial by jury and the right
25 to be confronted with the witnesses against him or her, to
26 cross-examine these witnesses, and to testify if he or she

1 chooses to do so;

2 (5) if the defendant pleads not guilty and requests a
3 trial, if the defendant is found guilty he or she is
4 required to pay the fine imposed under subsection (j) of
5 this Section, an additional penalty for failure to pay the
6 fine in a timely manner as provided in subsection (q) of
7 this Section, all applicable court costs and fees, all
8 applicable crime lab drug analysis costs and fees
9 prescribed by the circuit court, and a period of probation
10 or conditional discharge not to exceed a period of 6
11 months;

12 (6) if the defendant fails to appear at a hearing or
13 trial, a default judgment shall be entered against the
14 defendant for the fine amount under subsection (j) of this
15 Section, plus all applicable fees and costs under this
16 Section, and an arrest warrant may issue for the defendant
17 under Supreme Court Rule 572 (b); and

18 (7) the disposition of this offense will be sent to the
19 Department of State Police and local law enforcement
20 agencies.

21 (i) When a defendant has received a Uniform Cannabis
22 Citation and does not appear on the date set for appearance or
23 any date which the case has been continued, the court shall
24 continue the case for a minimum of 30 days and require a notice
25 of the next continued court date be sent to the defendant at
26 his or her last known address. If the defendant does not appear

1 on or before the next continued court date and satisfy the
2 court that his or her appearance was impossible and without any
3 fault on his or her part, the court shall enter an order of
4 failure to appear to answer the charge. A verified charge may
5 be filed, if one has not been previously filed, and a summons
6 or warrant of arrest for the defendant may be issued by the
7 court.

8 (j) Upon a plea of guilty during a court appearance or a
9 finding of guilty after a trial, the court shall impose for the
10 offense:

11 (1) a fine of \$250 for a first disposition of guilty of
12 an offense charged by Uniform Cannabis Citation; or

13 (2) a fine of \$300 for a second disposition of guilty
14 of an offense charged by Uniform Cannabis Citation; and

15 (3) an additional penalty set by the court for failure
16 to pay the fine in a timely manner as provided in
17 subsection (g) of this Section; and

18 (4) all applicable crime lab drug analysis costs and
19 fees prescribed by the court, and all applicable court
20 costs and fees.

21 (k) A person who fails to pay all applicable fines, fees,
22 or costs imposed under this Section within 180 days is subject
23 to garnishment, lien, attachment, or other judicial process to
24 recover any outstanding debt.

25 (l) All funds obtained under this Section shall be
26 distributed into the general revenue fund of the county in

1 which the offense was committed.

2 (m) The Department of State Police shall create a Uniform
3 Cannabis Citation for use by law enforcement agencies under
4 this Section. The Department of State Police may adopt rules to
5 implement this Section.

6 (n) A county or municipality, including a home rule unit,
7 may not regulate the enforcement of laws governing violations
8 of this Act. This Section is a denial and limitation under
9 subsection (i) of Section 6 of Article VII of the Illinois
10 Constitution on the concurrent exercise by home rule units of
11 the powers exclusively exercised by the State. A system of
12 regulation enforcing laws governing violations of this Act by a
13 county or municipality, including a home rule unit, that was in
14 effect before the effective date of this amendatory Act of the
15 98th General Assembly is exempt from the provisions of this
16 Section.

17 (o) A person who commits a third or subsequent offense
18 listed in subsection (a) of this Section is subject to the
19 criminal penalties under subsection (c) of Section 4 of this
20 Act.

21 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

22 Sec. 5. Manufacture, deliver, or possess with intent to
23 deliver, or manufacture, cannabis. It is unlawful for any
24 person knowingly to manufacture, deliver, or possess with
25 intent to deliver, or manufacture, cannabis. Any person who

1 violates this Section ~~section~~ with respect to:

2 (a) not more than 30 grams is guilty of a Class B
3 misdemeanor for a first offense, a Class A misdemeanor for a
4 second offense, and a Class 4 felony for a third or subsequent
5 offense; ~~2.5 grams of any substance containing cannabis is~~
6 ~~guilty of a Class B misdemeanor;~~

7 (b) (blank); ~~more than 2.5 grams but not more than 10 grams~~
8 ~~of any substance containing cannabis is guilty of a Class A~~
9 ~~misdemeanor;~~

10 (c) (blank); ~~more than 10 grams but not more than 30 grams~~
11 ~~of any substance containing cannabis is guilty of a Class 4~~
12 ~~felony;~~

13 (d) more than 30 grams but not more than 500 grams of any
14 substance containing cannabis is guilty of a Class 4 felony for
15 a first offense, and a Class 3 felony for a second or
16 subsequent offense. A ~~for which~~ a fine not to exceed \$50,000
17 may be imposed for a violation of this subsection;

18 (e) more than 500 grams but not more than 2,500 ~~2,000~~ grams
19 of any substance containing cannabis is guilty of a Class 2
20 felony for which a fine not to exceed \$100,000 may be imposed;

21 (f) (blank); ~~more than 2,000 grams but not more than 5,000~~
22 ~~grams of any substance containing cannabis is guilty of a Class~~
23 ~~1 felony for which a fine not to exceed \$150,000 may be~~
24 ~~imposed;~~

25 (g) more than 2,500 ~~5,000~~ grams of any substance containing
26 cannabis is guilty of a Class X felony for which a fine not to

1 exceed \$200,000 may be imposed.

2 (Source: P.A. 90-397, eff. 8-15-97.)

3 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

4 Sec. 5.2. Delivery of cannabis on school grounds. It is
5 unlawful for any person knowingly to manufacture, deliver, or
6 possess with intent to deliver, or manufacture, cannabis in any
7 school, on the real property comprising any school, or any
8 conveyance owned, leased or contracted by a school to transport
9 students to or from school or a school related activity, or on
10 any public way within 1,000 feet of the real property
11 comprising any school, or any conveyance owned, leased or
12 contracted by a school to transport students to or from school
13 or a school related activity. Any person who violates this
14 Section with respect to:

15 (a) more than 2,000 grams of any substance containing
16 cannabis is guilty of a Class X felony, the fine for which
17 shall not exceed \$200,000;

18 (b) more than 500 grams but not more than 2,000 grams of
19 any substance containing cannabis ~~(a) Any person who violates~~
20 ~~subsection (c) of Section 5 in any school, on the real property~~
21 ~~comprising any school, or any conveyance owned, leased or~~
22 ~~contracted by a school to transport students to or from school~~
23 ~~or a school related activity, or on any public way within 1,000~~
24 ~~feet of the real property comprising any school, or any~~
25 ~~conveyance owned, leased or contracted by a school to transport~~

1 ~~students to or from school or a school related activity,~~ is
2 guilty of a Class 1 felony, the fine for which shall not exceed
3 \$200,000;

4 (c) more than 30 grams but not more than 500 grams of any
5 substance containing cannabis ~~(b) Any person who violates~~
6 ~~subsection (d) of Section 5 in any school, on the real property~~
7 ~~comprising any school, or any conveyance owned, leased or~~
8 ~~contracted by a school to transport students to or from school~~
9 ~~or a school related activity, or on any public way within 1,000~~
10 ~~feet of the real property comprising any school, or any~~
11 ~~conveyance owned, leased or contracted by a school to transport~~
12 ~~students to or from school or a school related activity,~~ is
13 guilty of a Class 2 felony, the fine for which shall not exceed
14 \$100,000;

15 (d) more than 10 grams but not more than 30 grams of any
16 substance containing cannabis ~~(c) Any person who violates~~
17 ~~subsection (c) of Section 5 in any school, on the real property~~
18 ~~comprising any school, or any conveyance owned, leased or~~
19 ~~contracted by a school to transport students to or from school~~
20 ~~or a school related activity, or on any public way within 1,000~~
21 ~~feet of the real property comprising any school, or any~~
22 ~~conveyance owned, leased or contracted by a school to transport~~
23 ~~students to or from school or a school related activity,~~ is
24 guilty of a Class 3 felony, the fine for which shall not exceed
25 \$50,000;

26 (e) more than 2.5 grams but not more than 10 grams of any

1 substance containing cannabis ~~(d) Any person who violates~~
2 ~~subsection (b) of Section 5 in any school, on the real property~~
3 ~~comprising any school, or any conveyance owned, leased or~~
4 ~~contracted by a school to transport students to or from school~~
5 ~~or a school related activity, or on any public way within 1,000~~
6 ~~feet of the real property comprising any school, or any~~
7 ~~conveyance owned, leased or contracted by a school to transport~~
8 ~~students to or from school or a school related activity,~~ is
9 guilty of a Class 4 felony, the fine for which shall not exceed
10 \$25,000;

11 (f) not more than 2.5 grams of any substance containing
12 cannabis ~~(e) Any person who violates subsection (a) of Section~~
13 ~~5 in any school, on the real property comprising any school, or~~
14 ~~any conveyance owned, leased or contracted by a school to~~
15 ~~transport students to or from school or a school related~~
16 ~~activity, on any public way within 1,000 feet of the real~~
17 ~~property comprising any school, or any conveyance owned, leased~~
18 ~~or contracted by a school to transport students to or from~~
19 ~~school or a school related activity,~~ is guilty of a Class A
20 misdemeanor.

21 (Source: P.A. 87-544.)

22 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

23 Sec. 10. (a) Whenever any person who has not previously
24 been convicted of, or placed on probation or court supervision
25 for, any offense under this Act or any law of the United States

1 or of any State relating to cannabis, or controlled substances
2 as defined in the Illinois Controlled Substances Act, pleads
3 guilty to or is found guilty of violating Sections ~~4(a), 4(b),~~
4 4(c), 5(a), ~~5(b), 5(e)~~ or 8 of this Act, the court may, without
5 entering a judgment and with the consent of such person,
6 sentence him to probation.

7 (b) When a person is placed on probation, the court shall
8 enter an order specifying a period of probation of 24 months,
9 and shall defer further proceedings in the case until the
10 conclusion of the period or until the filing of a petition
11 alleging violation of a term or condition of probation.

12 (c) The conditions of probation shall be that the person:
13 (1) not violate any criminal statute of any jurisdiction; (2)
14 refrain from possession of a firearm or other dangerous weapon;
15 (3) submit to periodic drug testing at a time and in a manner
16 as ordered by the court, but no less than 3 times during the
17 period of the probation, with the cost of the testing to be
18 paid by the probationer; and (4) perform no less than 30 hours
19 of community service, provided community service is available
20 in the jurisdiction and is funded and approved by the county
21 board.

22 (d) The court may, in addition to other conditions, require
23 that the person:

24 (1) make a report to and appear in person before or
25 participate with the court or such courts, person, or
26 social service agency as directed by the court in the order

1 of probation;

2 (2) pay a fine and costs;

3 (3) work or pursue a course of study or vocational
4 training;

5 (4) undergo medical or psychiatric treatment; or
6 treatment for drug addiction or alcoholism;

7 (5) attend or reside in a facility established for the
8 instruction or residence of defendants on probation;

9 (6) support his dependents;

10 (7) refrain from possessing a firearm or other
11 dangerous weapon;

12 (7-5) refrain from having in his or her body the
13 presence of any illicit drug prohibited by the Cannabis
14 Control Act, the Illinois Controlled Substances Act, or the
15 Methamphetamine Control and Community Protection Act,
16 unless prescribed by a physician, and submit samples of his
17 or her blood or urine or both for tests to determine the
18 presence of any illicit drug;

19 (8) and in addition, if a minor:

20 (i) reside with his parents or in a foster home;

21 (ii) attend school;

22 (iii) attend a non-residential program for youth;

23 (iv) contribute to his own support at home or in a
24 foster home.

25 (e) Upon violation of a term or condition of probation, the
26 court may enter a judgment on its original finding of guilt and

1 proceed as otherwise provided.

2 (f) Upon fulfillment of the terms and conditions of
3 probation, the court shall discharge such person and dismiss
4 the proceedings against him.

5 (g) A disposition of probation is considered to be a
6 conviction for the purposes of imposing the conditions of
7 probation and for appeal, however, discharge and dismissal
8 under this Section is not a conviction for purposes of
9 disqualification or disabilities imposed by law upon
10 conviction of a crime (including the additional penalty imposed
11 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)
12 of this Act).

13 (h) Discharge and dismissal under this Section, Section 410
14 of the Illinois Controlled Substances Act, Section 70 of the
15 Methamphetamine Control and Community Protection Act, Section
16 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, or
17 subsection (c) of Section 11-14 of the Criminal Code of 1961 or
18 the Criminal Code of 2012 may occur only once with respect to
19 any person.

20 (i) If a person is convicted of an offense under this Act,
21 the Illinois Controlled Substances Act, or the Methamphetamine
22 Control and Community Protection Act within 5 years subsequent
23 to a discharge and dismissal under this Section, the discharge
24 and dismissal under this Section shall be admissible in the
25 sentencing proceeding for that conviction as a factor in
26 aggravation.

1 (Source: P.A. 97-1118, eff. 1-1-13; 97-1150, eff. 1-25-13;
2 98-164, eff. 1-1-14.)

3 Section 25. The Code of Criminal Procedure of 1963 is
4 amended by changing Section 111-3 as follows:

5 (725 ILCS 5/111-3) (from Ch. 38, par. 111-3)

6 Sec. 111-3. Form of charge.

7 (a) A charge shall be in writing and allege the commission
8 of an offense by:

9 (1) Stating the name of the offense;

10 (2) Citing the statutory provision alleged to have been
11 violated;

12 (3) Setting forth the nature and elements of the
13 offense charged;

14 (4) Stating the date and county of the offense as
15 definitely as can be done; and

16 (5) Stating the name of the accused, if known, and if
17 not known, designate the accused by any name or description
18 by which he can be identified with reasonable certainty.

19 (a-5) If the victim is alleged to have been subjected to an
20 offense involving an illegal sexual act including, but not
21 limited to, a sexual offense defined in Article 11 or Section
22 10-9 of the Criminal Code of 2012, the charge shall state the
23 identity of the victim by name, initials, or description.

24 (b) An indictment shall be signed by the foreman of the

1 Grand Jury and an information shall be signed by the State's
2 Attorney and sworn to by him or another. A complaint shall be
3 sworn to and signed by the complainant; provided, that when a
4 peace officer observes the commission of a misdemeanor and is
5 the complaining witness, the signing of the complaint by the
6 peace officer is sufficient to charge the defendant with the
7 commission of the offense, and the complaint need not be sworn
8 to if the officer signing the complaint certifies that the
9 statements set forth in the complaint are true and correct and
10 are subject to the penalties provided by law for false
11 certification under Section 1-109 of the Code of Civil
12 Procedure and perjury under Section 32-2 of the Criminal Code
13 of 2012; and further provided, however, that when a citation is
14 issued on a Uniform Traffic Ticket or Uniform Conservation
15 Ticket (in a form prescribed by the Conference of Chief Circuit
16 Judges and filed with the Supreme Court) or Uniform Cannabis
17 Citation (in a form prescribed by the Department of State
18 Police), the copy of such Uniform Ticket which is filed with
19 the circuit court constitutes a complaint to which the
20 defendant may plead, unless he specifically requests that a
21 verified complaint be filed.

22 (c) When the State seeks an enhanced sentence because of a
23 prior conviction, the charge shall also state the intention to
24 seek an enhanced sentence and shall state such prior conviction
25 so as to give notice to the defendant. However, the fact of
26 such prior conviction and the State's intention to seek an

1 enhanced sentence are not elements of the offense and may not
2 be disclosed to the jury during trial unless otherwise
3 permitted by issues properly raised during such trial. For the
4 purposes of this Section, "enhanced sentence" means a sentence
5 which is increased by a prior conviction from one
6 classification of offense to another higher level
7 classification of offense set forth in Section 5-4.5-10 of the
8 Unified Code of Corrections (730 ILCS 5/5-4.5-10); it does not
9 include an increase in the sentence applied within the same
10 level of classification of offense.

11 (c-5) Notwithstanding any other provision of law, in all
12 cases in which the imposition of the death penalty is not a
13 possibility, if an alleged fact (other than the fact of a prior
14 conviction) is not an element of an offense but is sought to be
15 used to increase the range of penalties for the offense beyond
16 the statutory maximum that could otherwise be imposed for the
17 offense, the alleged fact must be included in the charging
18 instrument or otherwise provided to the defendant through a
19 written notification before trial, submitted to a trier of fact
20 as an aggravating factor, and proved beyond a reasonable doubt.
21 Failure to prove the fact beyond a reasonable doubt is not a
22 bar to a conviction for commission of the offense, but is a bar
23 to increasing, based on that fact, the range of penalties for
24 the offense beyond the statutory maximum that could otherwise
25 be imposed for that offense. Nothing in this subsection (c-5)
26 requires the imposition of a sentence that increases the range

1 of penalties for the offense beyond the statutory maximum that
2 could otherwise be imposed for the offense if the imposition of
3 that sentence is not required by law.

4 (d) At any time prior to trial, the State on motion shall
5 be permitted to amend the charge, whether brought by
6 indictment, information or complaint, to make the charge comply
7 with subsection (c) or (c-5) of this Section. Nothing in
8 Section 103-5 of this Code precludes such an amendment or a
9 written notification made in accordance with subsection (c-5)
10 of this Section.

11 (e) The provisions of subsection (a) of Section 5-4.5-95 of
12 the Unified Code of Corrections (730 ILCS 5/5-4.5-95) shall not
13 be affected by this Section.

14 (Source: P.A. 97-1150, eff. 1-25-13; 98-416, eff. 1-1-14.)".